UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,837	12/07/2000	John T. Austin	PD-990309	2999

7590 07/27/2007

Hughes Electronic Corperation
Corperate Patents & Licensing
P.O. Box 956
R11, Mail Station A109
El Sagundo, CA 90245-0956

EXAMINER	
PHAN, HANH	
ART UNIT	**PAPER NUMBER**
2613	

MAIL DATE	DELIVERY MODE
07/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/732,837	AUSTIN, JOHN T.	
	Examiner	Art Unit	
	Hanh Phan	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 May 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 05/02/2007.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 3, 5-10 and 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adiwoso et al. (US Patent No. 6,067,453) in view of Wiedeman et al (US Patent No. 6,985,454).

Regarding claim 1, referring to Figure 1, Adiwoso et al teaches a communications system comprising:

a first teleport station (i.e., gateway station 30, Fig. 1, col. 4, lines 6-67 and col. 5, lines 1-5);

a first user terminal (i.e., user terminal 20a, Fig. 1, col. 4, lines 6-67 and col. 5, lines 1-5);

a satellite (i.e., satellite 12, Fig. 1) coupling the first teleport station (30, Fig. 1) to the first user terminal (20a, Fig. 1, col. 4, lines 6-67 and col. 5, lines 1-5); and

a network access point (i.e., Internet access point IAP 37, Fig. 1) directly coupled to the Internet and directly coupled to the first teleport station (i.e., gateway station 30, Fig. 1) through a connection (i.e., Fig. 1, col. 4, lines 6-67 and col. 5, lines 1-5).

Adiwoso et al differs from claim 1 in that he fails to specifically teach the network access point directly coupled to the first teleport station through an optical fiber. Wiedeman et al, from the same field of endeavor, likewise teaches Internet Service Provider system using satellites (i.e., Figures 6A and 6B). Wiedeman et al further teaches the network access point directly coupled to the first teleport station through an optical fiber (i.e., Figs. 6A and 6B, col. 13, lines 14-31). Based on this teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the network access point directly coupled to the first teleport station through an optical fiber as taught by Wiedeman et al in the system of Adiwoso et al. One of ordinary skill in the art would have been motivated to do this since allowing providing a high speed and high capacity broadband interface to services.

Regarding claim 3, the combination of Adiwoso et al and Wiedeman et al teaches further comprising a second teleport station coupled to the first teleport station through the satellite (i.e., Fig. 1 of Adiwoso et al and Figs. 6A and 6B of Wiedeman et al).

Regarding claims 5-7 and 9, the combination of Adiwoso et al and Wiedeman et al further teaches routing the communication from the first teleport station to the second teleport station by way of an optical fiber network or an optical fiber or a second satellite (i.e., Figs. 6A and 6B of Wiedeman et al, col. 13, lines 14-31).

Regarding claim 8, the combination of Adiwoso et al and Wiedeman et al further teaches coupling the first teleport station to the internet (i.e., Fig. 1 of Adiwoso et al and Figs. 6A and 6B of Wiedeman et al).

Regarding claim 10, the combination of Adiwoso et al and Wiedeman et al teaches connecting the optical communication network to the internet (i.e., Fig. 1 of Adiwoso et al and Figs. 6A and 6B of Wiedeman et al).

Regarding claim 13, the combination of Adiwoso et al and Wiedeman et al teaches wherein directing a communication from a first of the plurality of teleport stations through the satellite comprises directing the communication from the first of the plurality of teleport stations through the satellite to a first user terminal (i.e., Fig. 1 of Adiwoso et al and Figs. 6A and 6B of Wiedeman et al).

Regarding claims 14 and 15, the combination of Adiwoso et al and Wiedeman et al teaches wherein directing a communication from a first of said plurality of teleport stations through said satellite comprises directing the communication from the first of said plurality of teleport stations through said satellite to a first user terminal through a third teleport station (i.e., Fig. 1 of Adiwoso et al and Figs. 6A and 6B of Wiedeman et al).

Regarding claims 16 and 18, the combination of Adiwoso et al and Wiedeman et al teaches directing the communication from the second teleport station to a first user terminal through an optical fiber (i.e., Figs. 6A and 6B of Wiedeman et al).

Regarding claims 17 and 19, the combination of Adiwoso et al and Wiedeman et al teaches directing the communication from the second teleport station to a first user terminal through a second satellite (i.e., Fig. 1 of Adiwoso et al and Figs. 6A and 6B of Weideman et al).

4. Claims 2, 11 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Adiwoso et al. (US Patent No. 6,067,453) in view of Wiedeman et al (US Patent No. 6,985,454) and further in view of Wiedeman (US Patent No. 5,896,558).

Regarding claim 2, the combination of Adiwoso et al and Wiedeman et al differs from claim 2 in that it fails to specifically teach wherein the satellite comprises a satellite in the Ka band. Weideman, from the same filed of endeavor, likewise teaches mobile satellite network (Fig. 1). Weideman further teaches the satellite comprises a satellite in the Ka band (i.e., Figs. 1, 5 and 6 of Wiedeman, col. 4, lines 52-63, col. 5, lines 65-67, col. 6, lines 1-30 and col. 7, lines 30-60). Based on this teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the satellite comprises a satellite in the Ka band as taught by Weideman in the system of the combination of Adiwoso et al and Wiedeman et al. One of ordinary skill in the art would have been motivated to do this since allowing providing a satellite network with high speed and high capacity.

Regarding claim 11, the combination of Adiwoso et al, Wiedeman et al and Wiedeman teaches wherein the plurality of beams are non-coextensive (i.e., Fig. 1 of Adiwoso et al and Fig. 1 of Weideman).

Regarding claim 12, the combination of Adiwoso et al, Wiedeman et al and Wiedeman teaches wherein the plurality of beams reuse the same frequency (Fig. 1 of Weideman).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over

unpatentable over Adiwoso et al. (US Patent No. 6,067,453) in view of Wiedeman et al (US Patent No. 6,985,454) and further in view of Acampora (US Patent No. 6,049,593).

Regarding claim 4, the combination the combination of Adiwoso et al and Weideman et al teaches all the aspects of the claimed invention as set forth in the rejection to claim 1 above except fails to teach routing the communication from the first teleport station to the second teleport station through the satellite when the an irregularity is detected in the optical fiber. However, Acampora in US Patent No. 6,049,593 teaches the data signal is routed from the optical portion (i.e., optical link or optical fiber) to the radio portion (i.e., microwave radio link) when the optical link portion is failed (i.e., col. 27, lines 37-67). Based on this teaching, it would have been obvious to one having skill in the art at the time the invention was made to incorporate the routing the communication from the first teleport station to the second teleport station through the radio frequency system (RF system) when the an irregularity is detected in the optical fiber as taught by Acampora in the system of the combination of Adiwoso et al and Wiedeman et al. One of ordinary skill in the art would have been motivated to do this since allowing providing for reliability in bad conditions of the fiber transmission line between the two stations such as the fiber is failure or break.

Response to Arguments

6. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (571)272-3035.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

HANH PHAN
PRIMARY EXAMINER